

FACTSHEET

TITLE: **STREET VACATION NO. 05011**, requested by the Director of the Urban Development Department, to vacate the west seven feet of 23rd Street between Vine and "U" Streets.

STAFF RECOMMENDATION: A finding of conformance with the Comprehensive Plan.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 12/07/05
Administrative Action: 12/07/05

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (8-0: Carroll, Esseks, Larson, Sunderman, Strand, Taylor, Pearson and Carlson voting 'yes'; Krieser absent).

FINDINGS OF FACT:

1. The purpose of this proposed street vacation is to vacate a portion of the 23rd Street right-of-way in order to facilitate the anticipated expansion of the Liberty Village community unit plan.
2. The staff recommendation to find the proposed street vacation to be in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.2-3, concluding that the proposed street vacation is consistent with the approved Liberty Village community unit plan and the Comprehensive Plan, provided the necessary public easements are retained.
3. The testimony by Fernando Pages, the developer of Liberty Village, is found on p.5. The record also consists of a letter in support from Wynn Hjermstad of the Urban Development Department (p.10).
4. There was no testimony in opposition; however, the record consists of an e-mail from the owner of 710 N. 24th Street, with concerns about green space, parking and the sidewalk on U Street between 23rd and 24th Streets (p.11). The response by staff is found on p.12.
5. On December 7, 2005, the Planning Commission agreed with the staff recommendation and voted 8-0 to find the proposed street vacation to be in conformance with the Comprehensive Plan.
5. The report by the Housing Rehab and Real Estate Division of the City Urban Development Department is found on p.9, finding that the area to be vacated is to be deeded to the developer under the Liberty Village Redevelopment Agreement and the value of this strip of land has been included in the total consideration.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: December 13, 2005

REVIEWED BY: _____

DATE: December 13, 2005

REFERENCE NUMBER: FS\CC\2005\SAV.05011

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for December 7, 2005 PLANNING COMMISSION MEETING

PROJECT #: Street Vacation #05011

PROPOSAL: Vacate the west 7' of 23rd Street between Vine and "U" Streets.

LOCATION: 23rd and Vine Streets.

LAND AREA: 978 square feet, more or less.

CONCLUSION: The vacation of this right-of-way is consistent with the approved Liberty Village community unit plan and the Comprehensive Plan, provided necessary public easements are retained.

<u>RECOMMENDATION:</u>	Conforms to the Comprehensive Plan
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GENERAL INFORMATION:

LEGAL DESCRIPTION: The west 7' of 23rd Street right-of-way, between the south line of Vine Street and the north line of "U" Street, located in the SW1/4 of Section 24 T10N R6E, Lancaster County, Nebraska.

SURROUNDING LAND USE AND ZONING:

North:	Multiple-family dwellings	R-6 Residential
South:	Single-family dwellings	R-6 Residential
East:	Single-family dwellings	R-6 Residential
West:	Fraternity	R-6 Residential

HISTORY:

Sep 2004 Special Permit #04025 approved the Liberty Village community unit plan, containing 16 single-family lots. The plans did not include the lots fronting 23rd Street, but are currently being revised to include that property.

UTILITIES: This right-of-way includes a section of the overhead electrical and telephone facilities running along "U" Street, as well as a section of 8" sewer main. Easements will be retained for these facilities.

ANALYSIS:

1. This is a request to vacate a portion of 23rd Street right-of-way in order to facilitate the anticipated expansion of the Liberty Village community unit plan.

2. The character of this area is somewhat defined by variation. Setbacks are not consistent, rights-of-way have been vacated in some areas but not in others, and building orientation on corner lots changes from block to block.
3. The existing right-of-way width in 23rd Street is 100 feet. The typical right-of-way for a residential street is 60 feet, or 30 feet from centerline. If this vacation is approved, the width from centerline of the remaining 23rd Street right-of-way abutting the project site would be 43 feet. Also, this 7' section of right-of-way contains the public sidewalk. A bond will be required to relocate the sidewalk within the remaining right-of-way.
4. Petitioner is requesting this vacation in order to accommodate a proposed site expansion for the Liberty Village CUP. The vacation is requested to provide greater site area for the project, consistent with the approved plan. An administrative amendment has been requested to add this area to the development provided it is vacated. However, the new lots shown on that amendment encroach into the required sight triangle at the street intersections and must be revised.
5. Alltel, LES, and Public Works have existing public utilities located within this right-of-way. Easements should be retained for the existing and future facilities. However, easements over the entire area would conflict with the proposed redevelopment of the site. Petitioner may work with the utilities to establish acceptable easement locations that minimize impact upon the proposed site plan. Alternatively, Petitioner has the option of relocating the facilities at his own cost.
6. The Parks and Recreation Department has identified two mature Hackberry street trees within the right-of-way that should be retained. A condition requiring the retention of these trees should be included in the amendment that adds this property to the approved permit.
7. This vacation will not create lots without frontage or access to a public street. However, the Public Works Department recommends that a final plat be approved identifying the location of the retained easements.
8. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.

**BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA
THE FOLLOWING MUST BE COMPLETED:**

- 1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.

Prior to transfer of title to the vacated right-of-way:

- 2 The abutting owners must submit a final plat that will create lots that front on and have access to public streets or private roadways and identify the locations of public easements. All requirements of the final plat shall have been completed, except the transfer of ownership of the vacated street to the subdividers.

- 1.3 Provide permanent easements for existing and future utilities over the entire vacated area, or provide easements to the satisfaction of Alltel, LES, and the Director of Public Works. Alternatively, Petitioners may work with the utilities to relocate the existing facilities at Petitioners' cost.
- 1.4 Provide a bond in the amount of \$720 to guarantee the relocation and construction of the public sidewalk in 23rd Street within two (2) years of the date of the transfer of title to the vacated right-of-way.

Prepared by:

Greg Czaplewski
441-7620, gczaplewski@lincoln.ne.gov

Date: November 21, 2005

Applicant: City of Lincoln, Nebraska
and Marc Wullschleger, Director, Urban Development Department
Owner: 808 P Street, Suite 400
Lincoln, NE 68508
441.7606

Contact: Brighton Construction Company
Fernando Pages
938 North 70th Street, Suite 108
Lincoln, NE 68505
434.2456

STREET VACATION NO. 05011,

PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 7, 2005

Members present: Carroll, Esseks, Larson, Sunderman, Strand, Taylor, Pearson and Carlson; Krieser absent.

Staff recommendation: A finding of conformance with the Comprehensive Plan.

Ex Parte Communications: None.

Additional information submitted for the record: Greg Czaplewski of Planning staff submitted an e-mail communication in support from the Urban Development Department.

Proponents

1. Fernando Pages, owner of **Brighton Construction Company**, who is currently developing Liberty Village, presented the proposed street vacation request. Twelve of the sixteen houses are being constructed in Liberty Village and about 13 out of the 16 are sold. This was brought forward as a two-phase project, with 16 single family homes in phase one and phase two being two lots on the west end of the subdivision, which are going to be for the construction of two townhouse buildings or four individual townhouse units. This proposed street vacation is to facilitate the completion of phase two of the project to get the size of the lots needed. These would be two townhouses, designed in the same look and style as the single family homes that are in Liberty Village. In order to avoid the townhouse look, they have pointed the front of each house to each street, so as you are going down the street you do not see two identical townhouses next to each other. None of the elevations are identical. There are four unique plans in the Liberty Village development. These townhomes will look like single family homes and integrate well within the community. There is a requirement from the state to provide a certain number of accessible units, and they are building "visitable" units and have agreed to do 10% of the project with these visitable units and these units in phase two will be as such. There will be a ramp integrated with the sidewalk so that you see a front porch with steps, but around the side there is a turn which follows a ramp onto the porch and into the house.

Pearson inquired when the sidewalks on the west side of 24th Street would be built. Pages stated that the sidewalks would go in as the houses are completed. He will be letting that contract along with the alley construction. As soon as there is good enough weather to do the alleyway, the sidewalks will also be constructed.

Carroll inquired about the two large trees that the Parks Department is recommending be saved. Pages indicated that he did not know which trees they are referring to, but he will definitely keep them if he can. Czaplewski advised that the two trees are between the curb and sidewalk at the present time, so he does not believe it would be a problem to retain them. After the right-of-way is vacated, the CUP will need to be amended and as part of that approval, the Planning Department would have them identify that those trees will remain. Pages had no objection.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

December 7, 2005

Taylor moved a finding of conformance with the Comprehensive Plan, seconded by Larson and carried 8-0: Carroll, Esseks, Larson, Sunderman, Strand, Taylor, Pearson and Carlson voting 'yes'; Krieser absent. This is a recommendation to the City Council.



2005 aerial

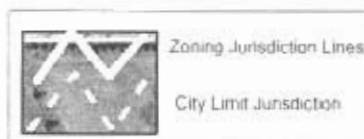
Street & Alley Vacation #05011 **2301 Vine Street**

Holdrege St.

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 24 T10N R6E



N. 14th St.

N. 27th St.

O St.

007

INTEROFFICE MEMORANDUM

TO: Mayor Seng
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

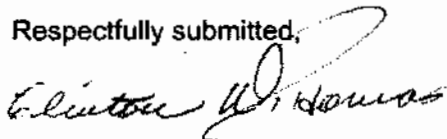
DATE: November 29, 2005

COPIES TO: Joan Ross
Marvin Krout
Dana Roper
Byron Blum

SUBJECT: Street & Alley Vacation No. 05011
East 7 feet of North 23rd Street,
U Street to Vine Street

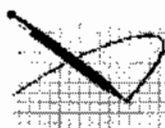
A request has been made by the Urban Development Department to vacate the east 7 feet of North 23rd Street between U and Vine Streets. The purpose of this vacation is to assemble the land into the adjoining property which is owned by the City of Lincoln. As such, no value will be placed on the land at this time. The abutting land is ultimately to be deeded to the developer under the Liberty Village Redevelopment Plan and the value of this strip of land should be realized at that time.

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023

dge



Wynn S Hjermstad/Notes

12/07/2005 12:19 AM

To Gregory S Czapski/Notes@Notes, W. Wayne
Teten/Notes@Notes
cc Marc Wullschlegel/Notes@Notes, Bradd A
Schmeichel/Notes@Notes, Steve J
Werthmann/Notes@Notes, Dallas A McGee/Notes@Notes,
bcc

Subject street vacation #05011

Greg,

I am writing regarding Street Vacation #05011, the proposal to vacate the west 7' of 23rd Street between Vine and U Streets, as part of the Liberty Village project. This request is scheduled for consideration by the Planning Commission at their December 7, 2005 meeting. I had planned to attend and testify in person, but now am unable to do so and want you and the Planning Commission to know the position of the Urban Development Department regarding this proposal.

The Liberty Village project is the sole new housing project identified in the Antelope Valley Redevelopment Plan, at this time. The project will provide affordable, single family home ownership opportunities for first time homebuyers. As such, this project is very much in keeping with the goals of the city, through the Urban Development Department, and with the Antelope Valley Redevelopment Plan. The Urban Development Department is a partner in this project with the developer, along with other state, federal, and non-profit agencies. This project, and the requested street vacation, is not only consistent with Urban Development and Antelope Valley goals, it also is in keeping with city right-of-way standards: after the vacation, 43 feet of right-of-way from center line, which includes sidewalks (city standard is 30 feet from center line) is still provided.

The Community Revitalization element of Antelope Valley is about revitalizing neighborhoods, not only by creating new development, but also by making improvements that benefit the existing residents. We believe that this project does both. In addition, it provides for a higher density development which demonstrates that high density can be positive when planned correctly, as this project has done. The design is in keeping with the historic character of the neighborhood, complimenting and building upon the existing neighborhood, while respecting city right-of-way specifications.

For the reasons discussed above, the city's Urban Development Department supports the requested right-of-way vacation request. Please contact me if you or any Planning Commission members have questions.

Thank you.

Wynn S. Hjermstad, AICP
Community Development Manager
City of Lincoln, Urban Development Department
808 P Street, STE 400, Lincoln, NE 68508
phone: 402-441-7606, fax: 402-441-8711



Betty Levitov
<bettylevitov@yahoo.com>
11/27/2005 10:26 AM

To plan@lincoln.ne.gov
cc
bcc

Subject SAV05011 U Street and 23rd sidewalk

Dear Lincoln Planning Commission members,

I have owned and lived at 710 N. 24th Street since 1972. In these years, I have seen the Malone neighborhood expand and improve. The widening and adding new lights on Vine Street is a recent sign of better safety and aesthetics for our community.

I attended the meetings when Liberty Village was an idea on paper. I said then, that while the units look reasonably nice, there were too many of them for the space. There is no green space and minimal parking. We are already short of parking spaces on 24th between U and Vine and on U between 23rd and 24th.

I was disappointed---more than that---disturbed and surprised to find no sidewalk on the west side of 24th. This is a terrible oversight and poor planning. Now all pedestrian and bicycle traffic use the east side as a conduit b! etween U and Vine on 24th. The turn is sharp onto Vine---dangerous for a bike--and there are no other curb cuts or street accesses.

Now the builders want to eliminate the sidewalk on U between 23rd and 24th! They are already building practically into my front yard, with their houses up to the edge of the street. There needs to be safe walking space. There's not an inch of space in the plan for kids' playing. Now they want to remove a safe pedestrian access.

I hope --and my neighbors are in total agreement---you will deny permission and require a sidewalk.

Please refuse permission to eliminate the sidewalk.

Please reconsider the lack of a sidewalk on 24th between Vine and U. I don't remember having a vote or a say in that sidewalk vacancy.

You have my permission to read this email at your December 7, meeting (or any oth! er relevant meeting). I will be working and cannot attend.

Thank you, Betty Levitov

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Gregory S Czaplewski/Notes

11/29/2005 11:27 AM

To bettylevitov@yahoo.com

cc Dennis D Bartels/Notes@Notes, Marc
Wullschlegel/Notes@Notes, Marvin S Krout/Notes@Notes,
Ray F Hill/Notes@Notes, rpeo@netinfo.ci.lincoln.ne.us, Jean
bcc

Subject Re: SAV05011 U Street and 23rd sidewalk

Dear Ms. Levitov,

I am the planner who has worked with this developer on the Liberty Village project. I would like to let you know that sidewalks have not been eliminated in 23rd or 24th street adjacent to this project. As part of the original proposal, the sidewalk on the west side of 24th Street was required to be constructed, and has been guaranteed by the City Urban Development Department through their involvement in the overall redevelopment of this site. The current request to vacate a portion of the public right-of-way along the east side of 23rd Street does not include eliminating the sidewalk. Here, staff has requested that the sidewalk be relocated and reconstructed by the developer. These sidewalks will eventually be installed. They are, however, usually installed after the homes have been built in order that construction equipment does not damage them during the building process.

I hope this alleviates your concern regarding the loss of sidewalks. If you have additional questions, please feel free to contact me by phone or email. I will be glad to visit with you further.

Sincerely,

Greg Czaplewski, Planner

Lincoln/Lancaster County Planning Dept.
555 South 10th Street, Suite 213
Lincoln, NE 68508
p: 402.441.7620
f: 402.441.6377
e: gczaplewski@lincoln.ne.gov
w: www.lincoln.ne.gov (keyword: plan)